



JFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number

10/758,447

Filing Date

01/15/2004

First Named Inventor

McVay et al.

Art Unit

3764

Examiner Name

Attorney Docket Number

23156-150

**ENCLOSURES (Check all that apply)**

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Status Letter                                       |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Request for Refund   | Return Receipt Postcard   |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
|   | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="text"/> Remarks  |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   | Status Letter = Status Request  |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |  |          |        |
|--------------|--|----------|--------|
| Firm Name    | Benesch, Friedlander, Coplan & Aronoff LLP |          |        |
| Signature    |  |          |        |
| Printed name | Gregory S. Kolocouris                      |          |        |
| Date         | June 3, 2005                               | Reg. No. | 47,714 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                      |      |              |
|-----------------------|----------------------|------|--------------|
| Signature             |                      |      |              |
| Typed or printed name | Christina R. Correll | Date | June 3, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : McVay et al.  
Application No. : 10/758,447  
Filing Date : January 15, 2004  
Docket No. : 23156-150  
Confirmation No. : 5630  
Title : VARIABLY CONFIGURED EXERCISE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUS REQUEST**

Dear Sir:

The above-referenced application ("subject application"), which was filed on January 15, 2004, has now been pending for approximately eighteen (18) months. Applicants have yet to receive a first Office Action on the merits. Applicants respectfully inquire as to the status of the subject application and request an estimated date of a first action on the merits.

Thank you in advance for your assistance in this matter and we await your response.

Respectfully submitted,

Dated: June 3, 2005

By:

Gregory S. Kolocouris  
Reg. No. 47,714

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP  
2300 BP Tower  
200 Public Square  
Cleveland, OH 44114-2378  
(216) 363-4453